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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,680	01/24/2000	Robert J. Monson	5360	7479
7590	03/18/2005		EXAMINER	
Carl L. Johnson Jacobson and Jacobson Suite 285 One West Water Street St. Paul, MN 55107-2080			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 03/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

JP

Office Action Summary	Application No.	Applicant(s)	
	09/490,680	MONSON ET AL.	
	Examiner	Art Unit	
	Alfred J Wujciak III	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-14 is/are rejected.
- 7) Claim(s) 15-17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 January 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This is the non-final Office Action for the serial number 09/490,680, USER COUPLED WORKSPACE SHOCK ISOLATION SYSTEM, filed on 1/24/00.

After the appeal conference on 2/11/05, the supervisors reversed the examiner's rejection and the examiner withdrew the finality to apply new ground of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,628,829 to Heiling and in view of US Patent # 5,431,569 to Simpkins et al.

Heiling teaches a system comprising a support structure (located where three screws are mounted thereon in figure 23), a unitary platform (located between element 65 and 66) having an operator station (60) thereon and a shock mount (65) located between the support structure and the platform. The system includes a second mounting member (61) for securing the operator station thereto. The system is only supported by the shock mount. The platform includes an upright wall (see figure 22 showing that a foot of user is half inside of the wall of platform).

Heiling teaches the platform but fails to teach the platform having a first mounting member. Simpkins et al. teaches the platform (28) having the first mounting member (33). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the first mounting member to Heiling's platform to provide accessible for user to control a motion picture or television adjacent to the operator station.

In regards to claim 10, Heiling teaches the platform but fails to teach a foot deck for an operator. Simpkins et al. teaches the platform including a foot deck (144). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the foot deck to Heiling's platform as taught by Simpkins et al. to provide convenience for the user to rest foot on the platform.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiling in view of Simpkin et al. and in further view of US Patent # 6,733,293 to Baker et al.

Heiling in view of Simplins et al. teaches the platform but fails to teach the platform is metal. Baker teaches the platform is metal (108). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified platform to metal material to improve the strength of platform for durable.

In regards to claim 14, Heiling, Simpkin et al. and Baker et al. teaches the platform but fails to teach the platform has a surface area of about 20 to 30 square feet. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified

platform's surface area to 20 to 30 square feet to provide additional room in the platform for user's comfort.

Allowable Subject Matter

Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 15, the prior art fails to teach the shock mount provides vibration damping. In regard to claim 16, the prior art fails to teach the shock mount simultaneously isolates the operator station and the unitary platform from shock and vibration. In regards to claim 17, the prior art fails to teach the shock mount dampens vibration and shock to minimize the relative motion between the operator station and the operator.

Response to Arguments

Applicant's arguments, see Appeal Brief, filed 11/15/04, with respect to the rejection(s) of claim(s) 8 under US Patent # 5,964,310 to Gyllner have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent # 3,628,829 to Heiling and in view of US Patent # 5,431,569 to Simpkins et al. in combination under 103 rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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US Patent # 4,478,407 to Manabe

US Patent # 4,066,256 to Trumbull

US Patent # 5,853,330 to Engstrand

US Patent # 3,645,011 to Callanen

Callanen, Engstarnd, Manabe and Trumbull teach the system comprising platform with operator station mounted thereon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

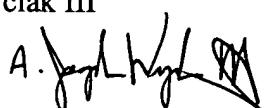
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

Art Unit 3632



2/22/05